

DECLARATION OF MOHAMED MOSTAFA

I, **MOHAMED MOSTAFA**, hereby declare under penalty of perjury under the laws of the United States of America that the following is true:

1. I was employed by Conway Stores, Inc., Morris Cohen and Daniel J. Uebbing ("Defendant") as a stockperson/salesperson with the title of "Department Manager" at the Defendant's store located at 160-16 Jamaica Avenue, Queens, New York from on or about June 1, 2007 until September 2007 (the "time period").

2. Upon information and belief, Morris Cohen is the owner and chief executive officer of Defendant Conway Stores, Inc. and Daniel J. Uebbing is an officer of Defendant Conway Stores, Inc. with the title "Vice President, Human Resources."

3. Defendant operates a chain of more than 18 stores located in the New York area named "Conways," which sell retail clothing.

4. During the time period I worked for Defendant as a stockperson/salesperson. I stocked merchandise on displays, moved merchandise around the store, moved merchandise from the stockroom to the sales floor, assembled and constructed store shelving and displays, and assisted customers on the shop floor with purchasing store products such as women's clothing including but not limited to dresses, sweaters, blouses, and skirts. I also would apprehend shoplifters and opened and closed the store.

5. I worked at the 160-16 Jamaica Avenue store with three other stock person/salespersons with the title of "Salesperson," who had the same duties as mine with

the exception of opening and closing the store which I did only about two-three days a week. I spent only about fifteen minutes opening the store and about fifteen minutes closing the store.

6. While I worked for Defendant, I was paid an annual salary in the amount of about \$34,000 and was paid about \$1,300 by paycheck every two weeks.

7. I generally worked five days a week and sometimes six days a week. Every Thursday I received a schedule for the next week. My schedule was constantly changing. I generally took only about a 15 to 30 minutes break for lunch.

8. My job responsibilities did not require any independent judgment, and I did not have the power to hire or fire employees.

9. Upon information and belief, there are at least 40 other stockperson/salesperson employees with the title Department Manager who worked or are working for Defendant who do similar work as myself.

10. In addition to myself, during the time period, I am aware and have personal knowledge of other persons employed by Defendant as stockpersons/salespersons with the titles of Department Manager who performed the same or similar work as myself.

11. I and these similar stockpersons and/or salespersons employees of Defendant regularly worked more than 40 hours per week for Defendant

12. During the time period, I and these other similar stockperson and/or salesperson employees worked more than 40 hours per week and were not paid for all their hours worked and/or time and one half for their overtime hours.

13. I know that others like me were not paid for all hours worked and/or overtime by Defendant because I frequently heard other similar stockperson and/or salesperson employees of

Defendant complain that they worked for more than 40 hours per week ("overtime") and were not paid time and one half for their hours worked over 40 in a workweek. I specifically recall that Papa Amar told me that Defendant did not pay them time and one half for overtime.

14. During the time period, I complained to the store manager, Menackem Danino, about not being paid overtime, and he responded that the Defendant's policy was not to pay time and one half for overtime to stockperson and/or salesperson employees with the title of "Department Manager".

15. Throughout the time period that I worked at Defendant, and, upon information and belief, both before that time and continuing until the present, Defendant has likewise employed other individuals, like myself, in positions as stockpersons and/or salespersons.

16. Such individuals have worked in excess of 40 hours a week, yet the Defendant has likewise willfully failed to pay them for all their hours worked and overtime compensation of one and one-half times their regular hourly rate.

Dated: _____


MOHAMED MOSTAFA